

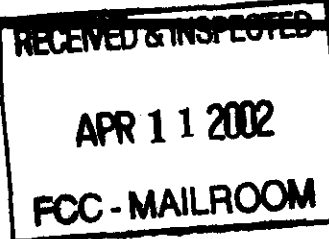


TENNESSEE SCHOOL BOARDS ASSOCIATION

DOCKET FILE COPY ORIGINAL

1130 Nelson Merry Street  
Nashville, TN 37203

Letter of Appeal, Schools and Libraries Division  
Box 125 - Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981



Phone: (615) 741-0666  
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www.tsba.net

Gentlemen:

Re: Fund Year 5 Form 471 - Rejection Letter  
Applicant's Form Identifier: TSBVD9  
Form 471 Application Number: 331527

CC Docket Nos. 96-45 and 97-21/(Federal Communications Commission)

The undersigned designated as the contact person on Item 6A of Block 1 of the "Schools and Libraries Universal Service Services Ordered and Certification Form 471 on behalf of the Tennessee School Boards Association ("TSBA"), Entity No. 228788 herein and hereby respectfully submits this APPEAL to the USAC and a copy thereof to the FCC.

**APPEAL**

This appeal is submitted pursuant to a "Fund Year 5 FORM 471 - REJECTION LETTER" dated February 26, 2002 issued by Universal Service Administrative Company Schools & Libraries Division "USAC", a true and correct copy of which is enclosed herewith.

In conformity with the "Rejection Letter", the following information in numbered sequence as provided therein is respectfully submitted.

**1. Provide your contact information.**

Peter Stoll  
16820 Ventura Boulevard  
Encino, California 91436  
(818) 817-9511 (office)  
(818) 481-3096 (cell)  
(818) 817-9507 (fax)  
pstoll9241@aol.com (E-mail)

**2. Identify which SLD decision you are appealing.**

Letter Type:	Fund Year 5 FORM 471 - REJECTION LETTER
Relevant Funding Year:	Fund Year 5 - July 1, 2002- June 30, 2003
Date of Letter:	February 26, 2002
Applicant Name:	Tennessee School Boards Ass.
Application Number:	331527
Entity Number:	228788
Applicant's Form Identifier:	TSBVD9

Tennessee School Boards Ass. Appeal

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**3. Identify the particular Funding Request Number that is the subject of your appeal.**

This application was wholly rejected on grounds related to the entire application which, as stated in the appeal instruction letter, does not require any Funding Request Number. The rejection letter states the entire rejection was based on the following:

"The FCC Form 471 submitted does not include at least one complete Block 4 Worksheet relevant to the "Type of Application" as selected in Block 1, Item 5."

**4. Explain your appeal.**

The basis for the rejection of the Form 471 filing on behalf of the TSBA is precisely as follows:

"The FCC Form 471 submitted does not include at least one complete Block 4 Worksheet relevant to the "Type of Application" as selected in Block 1, Item 5."

In support of this appeal, the undersigned on behalf of the TSBA, herein respectfully re-submits the original Form 471 and accompanying attached documentation TIMELY FILED by the TSBA, exactly as delivered to the undersigned accompanied by the Rejection Letter dated February 26, 2002.

The TSBA was assisted in the preparation of the Form 471 by Peter Stoll noted above as the contact person for this appeal, who is the Vice President of Global Enterprise Technologies, Inc., 16840 Ventura Boulevard, First Floor, Encino, California 91436; (818) 817-9511.

Attached hereto and incorporated herein is a detailed explanation and basis for this appeal executed by Mr. Stoll, which further details the basis for this appeal.

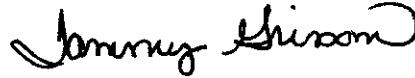
On behalf of the TSBA, however, the undersigned can state that based upon her discussions with Mr. Stoll, and the attached and enclosed statement by Mr. Stoll, one complete Block 4 Worksheet, including Block 4A and 4C relevant to the request for schools was timely and fully submitted. There was no worksheet B "Discount Calculation for those Entities filing as Libraries" as no request was made in the Form 471 for reimbursement as a "library".

As further detailed by Mr. Stoll in his accompanying statement, detailed communication with the USAC Help-Line and Supervisors at USAC as well as a statement enclosed with the Form 471 immediately following the form itself and prior to the physical location of the Block A and following data, the format used was discussed with and APPROVED by Supervisors at the USAC on January 17, 2002, when Mr. Stoll spoke to Operator 109118 (who identified herself as "Mary") at the "Helpline Technical Client Services Bureau" of the USAC.

Because of the fact that the Application was filed as a "Consortium" pursuant to Block 1, Item 5, and the extensive documentation incorporated therein, the Excel Spreadsheet Format was PRE-APPROVED and adapted for Blocks 4A and 4C and incorporated as "Attachments" and identified as such, it is respectfully submitted that this PRE-APPROVED (by the USAC) format contains each and every column of information requested on each of the Block 4A and 4C questions as discussed with officials of the USAC and is in full compliance in both FORM and SUBSTANCE with the intent and provisions of the law.

It is respectfully requested that this Appeal be granted and that the filing on behalf of the TSBA be accepted on behalf of the schools and school children of the State of Tennessee on whose behalf this application was filed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tammy Grissom". The signature is fluid and cursive, with a large loop at the end.

TAMMY GRISSOM  
Associate Executive Director  
Tennessee School Boards Association

cc: Federal Communications Commission  
Office of the Secretary  
445 - 12<sup>th</sup> Street SW  
Washington, DC 20554

## DECLARATION OF PETER STOLL

1. The undersigned is the Vice President of Global Enterprise Technologies, Inc., 16820 Ventura Boulevard, Encino, California 91436; (818) 817-9511.
2. The undersigned assisted in the preparation of the accompanying Appeal, and knows of his own personal knowledge that each and every statement contained therein is true and correct.
3. During the months of December, 2001 and January, 2002, the undersigned assisted the Tennessee School Boards Association ("TSBA") in the preparation of its Form 471, timely filed with the Universal Service Administrative Company Schools & Libraries Division ("USAC"). As such, I am thoroughly familiar with the contents of the Form 471 and all of the attachments thereto being re-submitted with the accompanying Appeal.
4. The undersigned was fully involved with the preparation of the Form 471 and the underlying documentation required to be submitted therewith.
5. At all times during the period noted in paragraph 3 above and to and including the filing on January 17, 2002, the Declarant was in touch with various representatives of the USAC with regard to the ultimate filing as discussed below.
6. The TSBA filed its Form 471 as a "Consortium" as noted on Block 1, Paragraph 5, and as such, filed on behalf of the K-12 schools in the State of Tennessee.
7. As a reviewer can note, the Form 471 and accompanying attachments to Blocks 4A and 4C and Block 5 approximate 200 pages.
8. When the Declarant realized that the information could not be contained within the Blocks provided for an on-line filing and on the forms themselves for a mail-in filing, (a mail-in filing required by the voluminous nature of the documentation), the Declarant immediately communicated with representatives of the USAC.
9. During the period January 14 - 17, 2002 inclusive, the Declarant spoke to several people and Supervisors at the USAC Helpline Technical Client Services Bureau, including Operator 109118 (who identified herself as "Mary"), as to the acceptable and best way of complying with the filing requirements and intent and substance of the E-rate regulations promulgated by the Federal Communication Commission ("FCC").
10. After extensive discussions between the Declarant and the USAC, and inter-agency discussions by representatives of the USAC, (as related to the Declarant by Mary and other supervisors), the format of an Excel-type spreadsheet containing **ALL OF THE COLUMNAR INFORMATION REQUIRED** by the USAC in Blocks 4A and 4C was adapted and adopted pursuant to the USAC's approved telephonically relayed instructions to the Declarant.
11. In the discussions between the Declarant and the USAC representatives, including

Supervisors, the Declarant was told that this was essentially a case of "first impression" in terms of a filing of this magnitude, and the extensive discussions were for the purpose of avoiding many hundreds of additional pages of duplicative information being contained within the filing.

12. In accordance with the understanding reached with the USAC by the Declarant, the format was in fact used and a note with regard to the instructions was attached to the filing immediately following the FCC Form 471 form page 3a of 6 and immediately preceding the columnar information identified for Block 4A stating as follows:

"Gentlemen:

We have filed the attachment form in the format shown pursuant to the instructions of Mary, to whom we spoke on the Helpline Technical Client Services Bureau on January 17, 2002 who approved this format."


This specific note of explanation and attachment was placed where it was in the filing of the Form 471 per the discussion and direction of Mary (noted above), but apparently was overlooked in the initial examination of the paperwork.

13. Each and every columnar title-heading is contained in the filing on the initial page of Blocks 4A and 4C as per the instructions of the USAC representatives. Each sequential page is numbered pursuant to the instructions of the USAC representatives. Therefore, all of the required information is contained in the format of the Form 471 in compliance with the foregoing agreement with the USAC.

14. As further proof of the Agreement between the Declarant and the USAC, the same format was approved and adapted and utilized with regard to the Block 5 funding requests for the two separate Service Providers of approximately 99 pages of data in the Block 5 calculations containing 11 horizontal columns, and no objection was made thereto.

Dated this 5<sup>th</sup> day of April, 2002, at Encino, California.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

  
PETER STOLL



**Universal Service Administrative Company  
Schools & Libraries Division**

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**Fund Year 5 FORM 471-REJECTION LETTER**

February 28, 2002

**TAMMY GRISSOM  
TENNESSEE SCHOOL BOARDS ASS.  
1130 NELSON MERRY STREET  
NASHVILLE, TN 37203**

**Re: Applicant's Form Identifier: TSBAVD8  
Form 471 Application Number: 331627**

**Dear TAMMY GRISSOM:**

This letter is your notification that the entire FCC Form 471, *Services Ordered and Certification Form*, you submitted did not meet Minimum Processing Standards and cannot be processed. *Your Form 471 is enclosed with this letter, which means that the Schools and Libraries Division (SLD) could not process any portion of it.* Here is an explanation of the specific reason(s) your Form 471 did not meet the Minimum Processing Standards:

- The FCC Form 471 submitted does not include at least one complete Block 4 Worksheet relevant to the "Type of Application" as selected in Block 1, Item 6.

**TO APPEAL A DECISION OF THE SCHOOLS AND LIBRARIES DIVISION:**

If you wish to appeal a decision of the Schools and Libraries Division (SLD), you may do so by writing a letter of appeal to the SLD or by writing a letter of appeal to the Federal Communications Commission (FCC). The SLD or FCC must receive your appeal within 60 days of the date of the SLD decision you are appealing. This means that your appeal must be RECEIVED by the SLD or FCC no later than 60 days after the date of the SLD decision. Failure to meet this requirement will result in automatic dismissal of your appeal.

While you may write directly to the FCC without first presenting your appeal to the SLD, you are encouraged to write first to the SLD so that the SLD has an opportunity to review your appeal and grant it, if appropriate. If you disagree with the SLD's response to your appeal, you may then file an appeal with the FCC. However, the FCC overturns SLD decisions infrequently.

If your appeal was due on or before September 10, 2001, see the SLD web site [www.sl.universalservice.org](http://www.sl.universalservice.org) for more information on appeal deadlines and procedures for filing appeals.

In your letter of appeal:

1. Provide your contact information. Please list the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal.

2. Identify which SLD decision you are appealing. Cite the "letter type," usually included and featured on the first page of the letter; the relevant Funding Year; and the date of the letter. You must include the applicant name; the Application Number, if applicable; and your Entity Number. State outright that your letter is an "appeal."
3. Identify the particular Funding Request Number, whenever applicable, that is the subject of your appeal. If your application was wholly rejected on grounds related to the entire application (e.g., that you represent ineligible entities), you need not refer to any Funding Request Numbers in your letter of appeal.
4. Explain your appeal. When explaining your appeal, include the precise language or text from the SLD decision that is at the heart of your appeal. By pointing to the exact words that give rise to your appeal, the reviewer will be able to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
5. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal to the SLD, please send it to: Letter of Appeal, Schools and Libraries Division, Box 125 – Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Other options for filing an appeal with the SLD can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site <[www.sl.universalservice.org](http://www.sl.universalservice.org)>.

If you are submitting your appeal to the FCC via United States Postal Services, send it to: Federal Communications Commission, Office of the Secretary, 445 12<sup>th</sup> Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Services, check the SLD web site for more information. Please reference CC Docket Nos. 95-45 and 97-21 on the first page of your appeal.

Further information and other options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site <[www.sl.universalservice.org](http://www.sl.universalservice.org)> or by contacting the SLD Client Service Bureau at 1-888-203-8100.

**Schools and Libraries Division  
Universal Service Administrative Company**

**Enclosure:**

**(1) Form 471**